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IMPLICATIONS OF THE PRIORITY THEMES OF THE THIRTY-EIGHTH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN

INTRODUCTION

1. The Committee on the Elimination of Discrimination against Women, at its tenth session, requested the Secretariat to prepare, for each session of the Committee, for its information, a report on the implications for its work of the priority themes prepared, or under preparation, for the consideration of the Commission on the Status of Women.

2. The Commission on the Status of Women at its thirty-sixth session, selected the priority issues to be considered by its next four sessions (thirty-seventh to fortieth) under the agenda item "Priority themes". This decision was endorsed by Economic and Social Council resolution 1990/15 of 15 May 1990. Since 1988, the Commission has dealt with three themes at each session, one under each of the three objectives, equality, development and peace.

3. The reports prepared under the priority themes often include substantive material related to the Convention on the Elimination of All Forms of Discrimination against Women. The themes to be considered by the Commission on the Status of Women at its thirty-eighth session in 1994 include:

(a) Equality

Equal pay for work of equal value, including methodologies for measurement of pay inequities and work in the informal sector;

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* CEDAW/C/1994/1.

(b) Development

Women in urban areas: population, nutrition and health factors for women in development, including migration, drug consumption and acquired immune deficiency syndrome;

(c) Peace

Measures to eradicate violence against women in the family and society.

I. EQUALITY: EQUAL PAY FOR WORK OF EQUAL VALUE, INCLUDING METHODOLOGIES FOR MEASUREMENT OF PAY INEQUITIES AND WORK IN THE INFORMAL SECTOR

4. The Economic and Social Council presented in resolution 1990/15 its recommendations and conclusions arising from the first review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the year 2000. The resolution stated that:

> "... Governments and other appropriate parties ... should renew their efforts to close the gap between women's and men's pay ... for work of equal value. ... The United Nations system should complete work on methodological aspects of measuring pay inequities between women and men ...".

5. The Convention on the Elimination of All Forms of Discrimination against Women, in its article 11, specifies that:

> "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: ... (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work ...".

6. To examine the theme, the Division for the Advancement of Women arranged with the International Labour Organization (ILO), Employment and Development Department, to prepare a study of the question.

7. The study notes that the concept of equal pay has been the subject of international treaties for a long time. The ILO Convention No. 100 of 1951 1/ concerning Equal Remuneration for Men and Women Workers for Work of Equal Value states, moreover, that each Member shall "ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value". It reaffirms the principle of equal pay and equal treatment for work of equal value. It refers to part-time workers, piece-workers and out-workers as well as full-time workers.

8. Specific international instruments dealing with this issue include Recommendation 1951 (No. 90) 2/ which envisages a number of measures to be taken to promote, ensure, encourage or facilitate "the application of the

principle of equal remuneration for women and men workers for work of equal value".

9. The pattern of unequal remuneration is international, although the level of inequality varies from place to place. Everywhere women are paid less than men. The ratio of female wages to male wages tends to be about 60 to 70 per cent in industrialized countries. According to data for the manufacturing sector from the Yearbook of Labour Statistics, published by the ILO, this ratio ranges from around 50 to 90 per cent for 1990. The main factor in this pattern seems to be the segregation of women in certain occupations. The report shows that there is an occupational concentration of women in what are frequently less attractive positions in terms of pay, status and opportunity for professional and technical advancement.

10. The report notes a number of gender biases in the way value is assigned to work, which reinforces occupational segregation. It notes that job evaluation methods currently in use are not gender neutral. It applies the analysis to the informal sector.

11. In terms of policies to reduce wage differentials, it is suggested that equal employment opportunity policies can seek to reduce occupational segregation by prohibiting discrimination in the various phases of employment. Facilitating policies are another type of measure, based on effecting non-labour factors resulting in pay inequalities (e.g., access to land, credit, education, family planning and other community services).

II. DEVELOPMENT: WOMEN IN URBAN AREAS: POPULATION, NUTRITION AND HEALTH FACTORS FOR WOMEN IN DEVELOPMENT, INCLUDING MIGRATION, DRUG CONSUMPTION AND AIDS

12. The Economic and Social Council, in its resolution 1990/15, found that the issues of health and nutrition, population and family planning, drug consumption and human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS) were all important. Urbanization and migration were noted as factors making these issues more difficult to resolve. Accordingly, the Commission on the Status of Women decided to examine the whole set of issues as its priority theme under the rubric of development in 1994.

13. The report of the Secretary-General on the priority theme of development will be based on the results of a seminar on "Women in urban areas" organized by the Division for the Advancement of Women in Santo Domingo from 22 to 25 November 1993.

14. Although article 14 of the Convention provides that "States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development", the Convention does not mention women in urban areas as such. It is implicit that their concerns are covered by the various other articles.

15. The major issue to be considered under the theme is whether urban women are able to benefit from the public services necessary to ensure their health, nutrition and ability to control their own fertility, as well as protect them from the consequences of drug consumption and from the HIV/AIDS pandemic. Implicit is the provision of the necessary public services and policies to allow women to exercise both their productive and reproductive functions.

16. In its examination of the scope and application of the provisions of article 12, CEDAW has focused particularly on ending discrimination against women in national AIDS strategies; General recommendation 15 (ninth session, 1990) calls on States to enhance women's role as care providers, health workers and educators in the prevention of infection with HIV and to give special attention to the subordinate position of women in some societies which makes them especially vulnerable to HIV infection.

III. PEACE: MEASURES TO ERADICATE VIOLENCE AGAINST WOMEN IN THE FAMILY AND SOCIETY

17. The Economic and Social Council stated in its resolution 1990/15:

> "The recognition that violence against women in the family and society is pervasive and cuts across lines of income, class and culture must be matched by urgent and effective steps to eliminate its incidence. Violence against women derives from their unequal status in society.
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> "Recommendation XXII: Governments should take immediate measures to establish appropriate penalties for violence against women in the family, the work place and society. Governments and other relevant agencies should also undertake policies to prevent, control and reduce the impact of violence on women in the family, the work place and society. Governments and relevant agencies, women's organizations, non-governmental organizations and the private sector should develop appropriate correctional, educational and social services including shelters, training programmes for law enforcement officers, the judiciary and health and social service personnel, as well as adequate deterrent and corrective measures. The number of women at all levels of law enforcement, legal assistance and judicial system should be increased".

18. The Commission on the Status of Women continued to work on the issue and drafted the Declaration on Violence against Women in 1992, which was to be adopted by the General Assembly at its forty-eighth session in 1993. The draft Declaration was influenced by the work of the Committee, whose general recommendation 19 indicated in detail how measures to eliminate violence were inherent in the provisions of the Convention, even though the issue was not explicitly mentioned.

19. The priority theme for the Commission was prepared on the basis of an expert group meeting on Measures to Eradicate Violence Against Women, organized by the Division for the Advancement of Women, in cooperation with the Centre for Women's Global Leadership from 4 to 8 October 1993 at Rutgers University, New Brunswick, New Jersey, United States of America. The expert group meeting

structured its work around the categories found in the draft Declaration on Violence against Women.

20. The expert group reaffirmed that gender-based violence against women occurs in all spheres of private and public life such as in the family, the work place, the community and international and national conflict situations. Gender-based violence hurts, humiliates or engenders fear in women. It may be threatened or inflicted via physical and sexual acts, as well as through psychological abuse.

21. The expert group meeting considered existing national strategies which have been implied in the context of the various manifestations of gender-based violence against women. Such strategies have been framed in accordance with where the violence occurs. The strategies have focused predominantly on legal and service measures. The meeting also considered the value of criminalization of specifically domestic violence. In some cases, the criminal justice response has revictimized individual women, especially women who have been reluctant to cooperate in criminal justice measures and have been incarcerated. Other laws have stressed protection of the victim, but failed to provide the necessary support services.

22. The meeting recommended a variety of measures, intended both to prevent violence and to cope with its effects. It emphasized the need for education and use of the mass media, as well as the development of legal and law enforcement services that are sensitive to the nature of the problem. It made particular reference to violence occurring in situations of armed conflict.

23. The meeting made recommendations for action at the international level, including the terms of reference for the Special Rapporteur on Violence against Women, expected to be named by the Commission on Human Rights. It also made recommendations about how the issue should be addressed by the United Nations programme on crime prevention and criminal justice. It suggested that the issue be built into the training of United Nations peace-keeping personnel, for whom a code of conduct should also be developed.

Notes

1/ International Labour Organization, International Labour Conventions and Recommendations 1919-1981, (Geneva) 1985.

2/ Ibid.